

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

BALANCECXI, INC. dba ZACOUSTIC,	§	
Plaintiff	§	
	§	
vs.	§	Civil Action No. 1:19-cv-767-
	§	RP
INTERNATIONAL CONSULTING &	§	
RESEARCH GROUP, LLC,	§	
CHRISTOPHER DESIMONE, AND	§	
ADAM OLDFIELD	§	
Defendants	§	

**JOINT AGREED MOTION FOR ENTRY OF  
AMENDED SCHEDULING ORDER**

Pursuant to Federal Rule of Civil Procedure 16(b)(4), Defendants International Consulting & Research Group LLC, Christopher DeSimone, and Adam Oldfield (collectively, “**Defendants**”) and Plaintiff BalanceCXI, Inc. dba Zacoustic (“**BalanceCXI**”) (Defendants and BalanceCXI collectively the “**Parties**”) jointly file this Agreed Motion for Entry of Amended Scheduling Order, and respectfully show the Court as follows:

**I.  
BRIEF PROCEDURAL BACKGROUND**

1. The Court entered, on January 5, 2021, the Amended Scheduling Order [Dkt. # 106]. The Amended Scheduling Order reset pretrial deadlines for the case and instructed the parties that “the Court will reset this case for trial at a later time by separate order.” The deadlines in the current Agreed Scheduling Order have not expired. For good cause, the Parties now jointly request an extension of these deadlines.

2. Defendants and BalanceCXI have conferred and jointly request that the Court enter the proposed Amended Scheduling Order, attached as **Exhibit A**.

**II.**  
**REQUEST FOR EXTENSION OF DEADLINES**

3. Pursuant to Federal Rule of Civil Procedure 16(b)(4), the Parties request an extension of these deadlines for good cause. On February 1, 2021, this Court adopted the United States Magistrate Judge's Report and Recommendation [Dkt. # 111] that the Court enter a default judgement on liability against Defendants DeSimone and Oldfield on a number of Plaintiff's claims and sanctioned Defendants DeSimone and Oldfield for attorneys' fees and expenses incurred by BalanceCXI. Following entry of that Order, Defendant Desimone filed a Motion for Reconsideration [Dkt. # 116] that remains pending. In addition, the Court has referred the Application for Attorney's Fees [Dkt. # 112] to the United States Magistrate Judge for a Report and Recommendation [Dkt. # 120].

4. As the Court's decisions on the pending motions will affect Parties' decisions affected by the current schedule, additional time is needed to allow for the resolution of those motions and any objections to them. Moreover, additional time is needed to allow the Parties to explore alternative dispute resolution, which is also influenced by the pending motions, without burdening the Court with additional filings or incurring what may be additional expense in preparing this case for trial.

5. This Motion is brought in good faith and is agreed to by all of the Parties and the Parties seek this modification before the deadlines pass. The extensions of these deadlines are not sought for delay.

**III.**  
**CONCLUSION & PRAYER**

For all of these reasons, the Parties respectfully request that the Court enter the proposed Amended Scheduling Order attached as Exhibit A to the Motion, and for other relief the Court deems appropriate.

Dated: April 26, 2021.

Respectfully submitted,

/s/ Steve Skarnulis (w/p)

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